IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA 1928

Crl.MC.No. 46 of 2007()

CC.1187/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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PETITIONER/ACCUSED NO.1

O.BECHAMIN, S/O.UMMAN,
VARIANKONATHU PUTHEN VEEDU,
THRIKKANNAMANGAL, KOTTARAKARA.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE KOTTARAKARA POLICE
STATION, REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. REETA SHERLIN, AGE 39,
PALLIPADINJATATHIL VEEDU,
NEENDAKKARA P.O., KOLLAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.46 of 2007

Dated this the 5th day of January, 2007

ORDER

The petitioner is the 1st accused in a prosecution, inter alia, under Section 498 A I.P.C. The defacto complainant is his wife. His wife had initiated civil proceedings against him for recovery of amounts. That proceedings were initiated before the Family Court on 26.04.04. Later on 23.06.04, a private complaint was filed alleging commission of the offence under Section 498 A I.P.C. The same was referred to the police under Section 156(3) Cr.P.C. Final report has been filed by the police. Cognizance has been taken by the learned Magistrate. It is at this stage that the petitioner has come before this Court. The short prayer of the petitioner is that proceedings before the criminal court may be adjourned under Section 309 Cr.P.C until the claim before the Family Court is disposed of.

2. In the facts and circumstances of this case, I find absolutely no merit in this prayer. The nature of the dispute to be resolved in the two cases is entirely different and the mere fact that there may be some overlapping consideration in both these cases is not according to me, a sufficient reason to justify indefinite postponement of the criminal case pending before the learned Magistrate.

3. This Crl.M.C is, in these circumstances, dismissed. I may hasten to observe that the dismissal of this Crl.M.C will not in any way fetter the rights of the petitioner to raise all relevant and appropriate contentions in the trial before the criminal court.

(R.BASANT, JUDGE)

rtr/-